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6 UNITED STATES DISTRICT COURT
7 EASTERN DISTRICT OF WASHINGTON

8 INSITU, INC.,
9 Plaintiff,
10 vs.
11 MARK KENT,
12 Defendant.

NO. CV-08-3067-EFS

**ORDER GRANTING DEFENDANT'S MOTION
FOR FINAL JUDGMENT AND CLOSING
FILE**

14 On July 17, 2009, the Court granted Plaintiff Insitu Inc.'s Motion
15 for Summary Judgment and dismissed Defendant Mark Kent's counterclaims.¹
16 (Ct. Rec. [36](#).) Defendant filed a notice of appeal on August 11, 2009,
17 and then subsequently filed a Motion for Final Judgment, which asks the
18 Court to enter an Order specifying that its prior ruling was a final
19 decision on Defendant's counterclaims. (Ct. Rec. [46](#).) Plaintiff does
20 not oppose this request and further asks the Court to dismiss
21 Plaintiff's claim for declaratory relief as moot. (Ct. Rec. [50](#).)

22 Upon review, the Court finds entry of final judgment is
23 appropriate. The essence of the Court's summary judgment ruling,
24 however, was to grant Plaintiff's declaratory relief claim, i.e.,

26 ¹ Plaintiff's motion did not seek action on its declaratory relief
27 claim.

1 Plaintiff is not obligated to Defendant. Therefore, the Court grants
2 Plaintiff's declaratory relief claim, rather than deny it as moot.

3 Accordingly, **IT IS HEREBY ORDERED:**

4 1. Defendant's Motion for Final Judgment (**Ct. Rec. 46**) is
5 **GRANTED**.

6 2. Defendant's counterclaims are dismissed (for the reasons
7 previously articulated in Ct. Rec. 36), and Plaintiff's claim for
8 declaratory relief is granted.

9 3. **Judgment** shall be entered in Plaintiff's favor.

10 4. All pending pretrial and trial dates are **STRICKEN**.

11 5. This file shall be **CLOSED**.

12 **IT IS SO ORDERED.** The District Court Executive is directed to
13 enter this Order and distribute copies to counsel.

14 **DATED** this 24th day of August 2009.

16 _____ S/ Edward F. Shea _____
17 EDWARD F. SHEA
18 UNITED STATES DISTRICT JUDGE

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